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February 7, 2019

By ECF

Honorable Naomi Reice Buchwald
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Chasman, et al. v. JPMorgan Chase Bank, N.A., 18-cv-6681 (NRB)

Dear Judge Buchwald:

This firm represents the Plaintiffs, Haim and David Chasman, in the above-referenced action.

I write to follow up on the recent extension request and state, if so permitted, I will file a brief letter pointing out some substantive opposition and procedural opposition to the arguments made by Defendants in the Letter Request for Pre-Motion Conference for a motion on the pleadings under FRPC 12 (c). This letter in opposition will follow by Close of Business Friday, or, if permitted, first thing Monday morning.

I have to apologize since I am not as familiar with the federal letter requests for motion procedure since I am largely a create of New York State courts, not Federal courts. While I viewed this as a further letter for a stay, it is also a letter requesting pre-trial conference for a motion.

I find the characterization of the details of the complaint to be misleading, the evidence relied on by the Defendants to be unclear or unsubmitted to the parties, and the plaintiffs ask that the evidence be viewed in the light most favorable to the non-moving party. Finally, I must raise the procedural issues of this case being burdened by New York procedural law, when the only aspect of this case that is tied to New York is the fact that it was filed in New York State. (The plaintiffs reside in New Jersey, the Defendants are apparently incorporated in Ohio, and the contract was initially formed in Illinois.

These arguments will follow at greater length.

I thank the Court for its consideration of this matter.

The Court expects
plaintiffs' counsel
letter by the
close of
business on
Friday, February
8, 2019.
So Ordered
Naomi
Reice
Buchwald,
USDC
2/7/19

Honorable Naomi Reice Buchwald
December 17, 2018
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Respectfully submitted,

/s/

Stuart Weichsel